

MINUTES OF THE CITY COMMISSION MEETING  
AUGUST 25, 2003

The City of Leesburg Commission held a regular meeting Monday, August 25, 2003, in the Commission Chambers at City Hall. Mayor Connelly called the meeting to order at 5:30 p.m. with the following members present:

Commissioner David Knowles  
Commissioner Bob Lovell  
Commissioner Ben Perry  
Commissioner Lewis Puckett  
Mayor David Connelly

Also present were City Manager (CM) Ron Stock, Acting City Clerk (ACC) Betty Richardson, City Attorney (CA) Fred Morrison, Deputy City Clerk (DCC) Diane Gibson Smith, the news media, and others.

Rabbi Getzel Mularsky gave the invocation followed by the Pledge of Allegiance to the Flag.

**APPROVED CITY COMMISSION MINUTES OF THE REGULAR MEETING HELD  
AUGUST 11, 2003**

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Mayor Connelly clarified his statements of the last meeting regarding the funds for Dabney Elementary School. He stated he does not know what empty promises he made. He noted he had stated once all the options have been discussed, he would come to the Commission to request funds if necessary.

Commissioner Knowles moved to approve the City Commission minutes of the regular meeting held August 11, 2003 as amended. Commissioner Puckett seconded the motion and the minutes were approved unanimously.

**PRESENTED SERVICE AWARD**

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Finance Director (FD) Bill Pfeilsticker presented a service award to Debbie Reichard for fifteen years in the Finance/Customer Service Department.

**CERTIFICATE OF RECOGNITION TO RABBI GETZEL MULARSKY FOR 50 YEARS  
OF SERVICE TO THE COMMUNITY**

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Mayor Connelly presented Rabbi Mularsky a certificate of recognition for 50 years of ministerial service to the community of Leesburg. He noted Rabbi Mularsky has provided religious leadership throughout this time.

Commissioner Lovell stated he has known Rabbi Getzel Mularsky for a long time. More than anyone in this town, Rabbi Mularsky knows the meaning of violence, cruelty, prejudiced, hatred, pain, slavery and death. He has overcome hardships few people have ever had to endure. Words such as liberty, justice, respect, humility have taken on new meaning to him and are the things Rabbi Mularsky values greatly.

David Knowles stated he has known Rabbi Mularsky for his entire life. Rabbi Mularsky has always been interested in the community. Rabbi Mularsky loves his family and his community and Leesburg is very lucky to have him.

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Attorney Joe Rodbeck and his mother came from Orlando and Al Schenke and his wife, president of the synagogue, joined Rabbi Mularsky for the presentation.

### **REPORT ON FLORIDA WATER SYSTEMS PURCHASE BY ANDY WOODCOCK, HARTMAN & ASSOCIATES**

Environmental Services Director Ray Sharp introduced Andy Woodcock of Hartman & Associates. Mr. Woodcock presented information regarding the preliminary evaluation of water systems being offered for sale by Florida Water Systems. He noted the systems being looked at by the City of Leesburg are all near or adjacent to the local system. He gave reasons to look at acquiring these systems as continuous utilities, increased customer base, increased level of service, and they are up for sale.

Commissioner Puckett questioned the size of the wells. Mr. Woodcock noted the largest is an 8" diameter well.

Mayor Connelly questioned the total number of customers the City would take on with the purchase. Mr. Woodcock stated there are 2,000 water customers and 360 wastewater customers.

CM Stock stated his item under City Manager items is related and should be discussed next.

### **APPROVED REQUEST FOR AUTHORIZATION TO MAKE AN OFFER TO PURCHASE THE FLORIDA WATER SYSTEMS PLANTS IN THE CITY OF LEESBURG'S JOINT PLANNING AREA**

CM Stock stated staff is asking the City Commission to make an offer, but needs due diligence performed to determine the price. The estimated price for this purchase is \$2.6 to \$4 million. There are funds in the Water Reserve Fund, but it would put the Fund below the amount set by policy.

Commissioner Perry questioned if staff is really asking to go ahead and do the next level of research. CM Stock stated the City needs to make an offer to purchase to get Florida Water Systems' attention.

Commissioner Lovell made the motion to make an offer at a price to be determined.

CM Stock stated Florida Water has established a course of conduct it follows. Florida Water is hesitant to provide additional information. Staff is asking for the authority to offer the lowest price which can be justified subject to due diligence.

Commissioner Perry stated there is not enough information to guide the City to make a decision.

Commissioner Lovell modified his motion to offer \$2.6 million with the due diligence protection.

CA Morrison stated the \$2.6 million will not be accepted by Florida Water Systems. This will open the door for the City to obtain additional information and final contract terms and numbers will be presented to the Commission for approval.

Commissioner Knowles seconded the motion to offer \$2.6 million with due diligence protection.

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Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission authorized staff to make an offer contingent on due diligence performed.

### **HEARD PRESENTATION ON DABNEY ELEMENTARY SCHOOL BY WARDEN CARLYSLE I. HOLDER**

Pastor Ken Scruggs, First Baptist Church of Leesburg, and Warden Carlysle Holder, Federal Prison Complex in Coleman, spoke regarding a youth action network to provide a one-stop center for the youth of the City. Warden Holder distributed a report on the presentation.

Commissioner Lovell left the room at 6:20 and returned at 6:21.

Warden Holder stated the Dream Center is an after school program for under-privileged kids. He has done research and put together a proposal that will convert Dabney Elementary to a one-stop community center. It will provide after school tutoring and mentoring for 80 kids for three hours a day, and offer vocational training.

Pastor Scruggs stated they hope to provide opportunities for elementary, middle, and high school students. They have secured partnerships at a national level to do this program.

Warden Holder stated there are only eight Dream Centers in the US. Leesburg and Atlanta are the only expansion areas being looked at currently. President Bush has recognized the program. The expectation is to fully implement the program in five years and then approach the City Commission later with a more detailed budget.

Pastor Scruggs stated he met Warden Holder through work at Coleman, but opportunity at Coleman came about from the County Jail. Early intervention into possible trouble areas makes a difference.

Commissioner Perry stated the real problem with Dabney Elementary is the School Board owns the property. This program needs to be presented to the School Board first and then to the City. Warden Holder stated they are hoping to put this in the forefront by bringing it to the City first.

Commissioner Lovell stated the Dabney name carries historical significance. The City will have an impact on the site and its usage. There is a need for a consensus in the community.

Commissioner Puckett left the room at 6:39 and returned at 6:42.

Mayor Connelly stated proposals do come before the City Commission. Nothing is set in stone. There is a need to look at the humanistic concerns of this site. He applauded Pastor Scruggs and Warden Holder for bringing this to the Commission. He noted this is an option. The final decision needs to be what is best for Dabney.

Commissioner Knowles agreed stating it is of critical importance to bring these proposals before the Commission. It is important to find most appropriate use for the school.

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### **CONSENT AGENDA:**

Pulled – A2 (ESRI contract)  
A3 (CSX property purchase)

Commissioner Lovell moved to approve the Consent Agenda except for items A2 and A3 and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission approved the Consent Agenda, as follows:

### **RESOLUTIONS:**

#### **RESOLUTION 6881**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement with Lewis Tree Service, Inc. to provide tree trimming services, and providing an effective date.

#### **RESOLUTION 6882**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the execution of a contract between the City of Leesburg and Wilbur Smith Associates, Inc. for amendment to supplemental agreement #26 to the basic agreement between the parties pertaining to professional services related to FBO site improvements at Leesburg Regional Airport; and providing an effective date.

#### **RESOLUTION 6883**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the execution of a contract between the City of Leesburg and Wilbur Smith Associates, Inc. for supplemental agreement #29 to the basic agreement between the parties pertaining to professional services related to construction engineering inspection, coordination and quality control for the extension of Taxiway "K" at Leesburg Regional Airport; and providing an effective date.

#### **RESOLUTION 6884**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to reinstate the agreement between the City of Leesburg and Integrated Project Delivery, for providing professional engineering services for the design, permitting and construction management of water supply system improvements for the Highland Lakes Water Well #3 for \$24,422.00, and an amendment for the Royal Highlands Well #3 for \$17,398.00, as well as providing an effective date.

#### **RESOLUTION 6885**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Southeastern Surveying and Mapping Corporation for providing on call surveying services, and providing an effective date.

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**RESOLUTION 6886**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Southeastern Surveying and Mapping Corporation for the purpose of providing a boundary survey for the City, and providing an effective date.

**RESOLUTION 6887**

A resolution of the City of Leesburg, Florida, accepting and approving a plat of Lone Oak Cemetery, Addition No. 4, a subdivision in a P (Public) district, within the City of Leesburg, Florida, generally located east of Thomas Road and south of Montclair Road, lying in Section 22, Township 19 South, Range 24 East; and providing an effective date.

**ADOPTED RESOLUTION 6888 AUTHORIZING AN AGREEMENT WITH ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC.**

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Commissioner Lovell introduced the resolution to be read by title only. ACC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Environmental Systems Research Institute, Inc. for geographic information systems utility data conversion and migration pursuant to 03-RFP-018; and providing an effective date.

Commissioner Lovell moved to adopt the resolution as read and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Puckett	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission adopted the resolution.

**ADOPTED RESOLUTION 6889 AUTHORIZING AN AGREEMENT WITH TRUST FOR PUBLIC LANDS FOR ASSOCIATED EXPENSES WITH LAND CLOSING FOR THE CSX PROPERTY**

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Commissioner Lovell introduced the resolution to be read by title only. ACC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement with the Trust for Public Lands for reimbursement of closing costs related to the purchase of CSX property; and providing an effective date.

CM Stock noted the wording in the resolution is being changed as this is for reimbursement of closing costs related to CSX property and not the train depot.

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Commissioner Lovell moved to adopt the resolution as read and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission adopted the resolution.

### **PUBLIC HEARINGS:**

#### **INTRODUCED AN ORDINANCE ACCEPTING A DEED FOR LAND IN SECTION 15-20-24 FOR FIRE STATION NO. 4, IN OKAHUMPKA**

Commissioner Lovell introduced the ordinance to be read by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, accepting a county deed given by Lake County, Florida, as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 15, Township 20 south, Range 24 east, Lake County, Florida; and providing an effective date.

#### **INTRODUCED AN ORDINANCE AMENDING THE FISCAL YEAR 2002-03 BUDGET FOR THE COMMUNITY DEVELOPMENT BLOCK GRANT AND CAPITAL PROJECTS FUNDS**

Commissioner Knowles introduced the ordinance to be read by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City Commission of the City of Leesburg, Florida amending the fiscal year 2003-03 budget for the Community Development Block Grant and Capital Projects funds, and providing an effective date.

#### **INTRODUCED AN ORDINANCE ACCEPTING AN UTILITY EASEMENT FROM CHRISTIAN WORSHIP CENTER OF CENTRAL FLORIDA, INC. FOR LAND IN SECTION 21-19-24**

Commissioner Lovell introduced the ordinance to be read by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from Christian Worship Center of Central Florida, Inc., as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 21, Township 19 south, Range 24 east, Lake County, Florida; and providing an effective date.

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### **INTRODUCED AN ORDINANCE ACCEPTING AN UTILITY EASEMENT FROM JANAK K. PATEL FOR LAND IN SECTION 26-19-24 (223 SOUTH CANAL STREET).**

Commissioner Lovell introduced the ordinance to be read by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, accepting a utility easement from Janak K. Patel, as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 26, Township 19 south, Range 24 east, Lake County, Florida; and providing an effective date.

### **INTRODUCED AN ORDINANCE VACATING AN UTILITY EASEMENT OVER A PORTION OF LOTS 10 & 11 OF INTERLAKEN PLAZA AT THE NORTHEAST CORNER OF PROFESSIONAL DRIVE AND CENTRALIA COURT IN SECTION 16-19-25**

Commissioner Knowles introduced the ordinance to be read by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, vacating a utility easement over a portion of lots 10 and 11, Interlaken Plaza, as recorded in plat book 41, pages 33 and 34, public records of Lake County, Florida, owned by American Seagull, Inc., said property generally located at the northeast corner of the intersection of Professional Drive and Centralia Court, lying in Section 16, Township 19 south, Range 25 east, Lake County, Florida; and providing for an effective date.

### **INTRODUCED AN ORDINANCE REPEALING §25-80 OPEN AIR VENDORS OF THE CODE OF ORDINANCES AND ADOPTING A NEW §25-80 TITLED SPECIAL EVENTS**

Commissioner Lovell introduced the ordinance to be read by title only. ACC Richardson read the ordinance as follows:

An ordinance of the City of Leesburg, Florida, repealing §25-80 Open Air Vendors of the Code of Ordinances and adopting a new §25-90 titled Special Events; including general provisions; application procedures; additional information; providing a savings clause; repealing conflicting ordinances; and providing an effective date.

### **INTRODUCED AN ORDINANCE ANNEXING APPROXIMATELY 5.05 ACRES OWNED BY BERYL N. STOKES, JR., AND WILLIAM K. STOKES NORTH OF MAIN STREET EAST OF CR 468 AND WEST OF MONTCLAIR ROAD IN SECTION 21-19-24 AND REZONING FROM COUNTY A TO CITY M-1**

Commissioner Lovell introduced the ordinance to be read by title only. ACC Richardson read the ordinance as follows:

An ordinance annexing certain property owned by Beryl N. Stokes, Jr., and William K. Stokes, said property consisting of approximately 5.05 acres and being generally located north of Main Street, east of County Road 468, and west of Montclair Road, lying in Section 21, Township 19 south, Range 24 east, Lake

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County, Florida, which is contiguous to the city limits of the City of Leesburg, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said city as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be rezoned from County A (agricultural) to City M-1 (industrial); providing that said property shall be placed in Commission District Three; and providing for an effective date.

### **INTRODUCED AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP FOR APPROXIMATELY 5.05 ACRES OWNED BY BERYL N. STOKES, JR., AND WILLIAM K. STOKES IN SECTION 21-19-24**

Commissioner Lovell introduced the ordinance to be read by title only. ACC Richardson read the ordinance as follows:

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing approximately 5.05 acres and generally located north of Main Street, east of County Road 468, and west of Montclair Road, lying in Section 21, Township 19 south, Range 24 east, Lake County, Florida, from County Urban to City Industry; and providing an effective date.

### **ADOPTED RESOLUTION 6890 APPOINTING THREE MEMBERS AND ONE ALTERNATE TO THE PLANNING AND ZONING COMMISSION**

CM Stock stated there are five applicants for four openings. All but one has served on the Planning and Zoning Commission. Decisions need to be made as to who will serve prior to the reading of the resolution.

Commissioner Lovell moved to re-appoint those who have served in the past and Commissioner Knowles seconded the motion.

Commissioner Perry stated one of the applicants has had an attendance problem in the past. Community Development Director (CDD) McElhanon stated there have been no attendance problems this year.

Commissioner Lovell modified the motion to nominate Chryle Lowery, Tim Sennett, and Roland Stults as regular members and James Little as the alternate. Commissioner Perry seconded this amended motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission approved appointment of the members.



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Commissioner Perry introduced the resolution to be read by title only. ACC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, appointing Cheryl Lowery, Tim Sennett, and Roland Stults as regular members and James Little as alternate to the Planning and Zoning Commission, said terms to expire September 30, 2006; and providing an effective date.

Commissioner Perry moved to approve the resolution as read and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission approved the resolution.

### **ADOPTED RESOLUTION 6891 APPOINTING ONE MEMBER TO THE GENERAL EMPLOYEE'S RETIREMENT TRUST BOARD**

Commissioner Lovell introduced the resolution to be read by title only. ACC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, appointing Alfred C. Haliday, Jr., a member of the general public, to the General Employee's Retirement Trust Board; and providing an effective date.

CM Stock stated there are three qualified applicants. Staff is recommending Mr. Haliday as he is knowledgeable in accounting practices.

Commissioner Lovell moved to approve the resolution as read and Commissioner Knowles seconded the motion. The roll call vote was:

Commissioner Puckett	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission approved the resolution.

### **CITY ATTORNEY ITEMS:**

1. CA Morrison gave an updated report on the Kristen Street Apartments. He noted the conventional approach to code enforcement is not working. It is a series of individual lots with duplexes and owners walk away from them. CA Morrison suggested a radical approach of suing all who own the property there. An injunction will direct them to take specific steps to get the property in compliance. This will mean more accountability from the owners and the banks in lending the money. He would like approval to file this lawsuit.

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Commissioner Perry questioned the cost of this lawsuit. He noted the dilemma is the owner is not doing the damage.

Commissioner Lovell stated the problem is there is no management in the buildings and they change hands very often.

Commissioner Perry moved to approve the filing of this lawsuit. Commissioner Knowles seconded the motion and it passed unanimously.

Commissioner Lovell left the meeting at 7:00 and returned at 7:01.

Kathy Billar, principal at Rimes Elementary, stated she appreciates the City's initiative to alleviate the problem. She noted currently 15 units are boarded up. The people who live there deserve better. This is a great opportunity to help the people who live there and clean up conditions that are not conducive to education.

2. CA Morrison reported on the status of the interlocal agreement regarding solid waste disposal with the County. The County is not following the current agreement which makes it difficult to get the information to establish the amount tipping fees should be set. The City is now withholding tipping fee payments. He requested adopting a resolution to authorize conflict resolution procedures with Lake County.

### **ADOPTED RESOLUTION 6892 STATING THE INTENTION TO INITIATE CONFLICT RESOLUTION PROCEDURES WITH LAKE COUNTY**

Commissioner Lovell requested the resolution be read by title only. ACC Richardson read the resolution as follows:

A resolution of the City Commission of the City of Leesburg, Florida, stating the intention to initiate the conflict resolution procedures set forth in Chapter 164, Florida Statutes; specifying the governmental body with which the City of Leesburg has a conflict; setting forth the issues in conflict; authorizing the City Manager to transmit a copy of this resolution to Lake County via certified mail with an appropriate transmittal letter as set forth in §164.1052, Florida Statutes; and providing an effective date.

Commissioner Perry moved to approve the resolution as read and Commissioner Lovell seconded the motion. The roll call vote was:

Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission approved the resolution.

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### **FINANCE DIRECTOR ITEMS:**

1. Finance Director Bill Pfeilsticker asked if anyone had any questions regarding the monthly finance report for July 2003. He noted he is planning to revise the form to make it easier to read.

Commissioner Perry stated he agreed with the form being changed, as it is not useful until closer to the end of the year. He further noted a former Commission created the form.

### **CITY MANAGER ITEMS:**

1. This item was moved and approved after the presentation on Florida Water Systems.

### **ROLL CALL:**

Commissioner Lovell – None

Commissioner Perry – None

Commissioner Puckett – None

Commissioner Knowles – stated 1.) He saw Commissioner Puckett being interviewed by Peter Jennings due to the ping-pong ball usage in fighting forest fires. 2.) Read the projected items on the library and is in favor of it. Still would like to see the older building included in the library. 3.) Noted there is \$61 million in reserves mainly due to Electric. He noted they are there to help us rebuild after a disaster. Need to look at increasing the renovations to our current electrical systems in order to possibly prevent the need to rebuild. 4.) Heard Lee School may close very soon. Need to begin discussions on what to do with the location. 5.) It is an amazing time to live in Leesburg. The City is doing some wonderful things.

Mayor Connelly - stated 1.) The electrical blackout taught us all a good lesson on the importance of maintenance. He noted the City should not reverse the order on how things are to be replaced. 2.) He thanked the Commissioners for helping him to fulfill his pledge to the Boys and Girls Club as \$20,000 was delivered.

Commissioner Lovell moved to adjourn the meeting and Commissioner Puckett seconded the motion. The meeting adjourned at 7:26 p.m.

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Mayor

Attest:

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Acting City Clerk

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*Diane L. Gibson Smith*

Recorder

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